

Jan 14, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ERNESTO M.,

Plaintiff,

v.

KILOLO KIJAKAZI, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,<sup>1</sup>

Defendant.

No. 1:21-CV-3037-JAG

ORDER GRANTING STIPULATED  
MOTION FOR REMAND  
PURSUANT TO SENTENCE FOUR  
OF 42 U.S.C. § 405(g)

**BEFORE THE COURT** is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 22. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney Heather L. Griffith represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 6. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 22**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the

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<sup>1</sup>Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew M. Saul as the defendant in this suit. No further action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

ORDER GRANTING STIPULATED MOTION FOR REMAND - 1

1 Commissioner of Social Security for further administrative action pursuant to  
2 sentence four of 42 U.S.C. § 405(g).

3 On remand, the Appeals Council shall instruct the Administrative Law Judge  
4 (ALJ) to give further consideration to the following: (1) Plaintiff's degenerative  
5 joint disease of the right ankle and thoracic compression fracture; (2) step 3 of the  
6 sequential evaluation process; (3) Plaintiff's residual functional capacity; (4) the  
7 opinion of William Drenguis, M.D.; and (5) Plaintiff's subjective complaints.

8 The ALJ shall offer Plaintiff the opportunity for a new hearing, take any  
9 further action needed to complete the administrative record, and issue a new  
10 decision.

11 2. **Judgment shall be entered for PLAINTIFF.**

12 3. Plaintiff's Motion for Summary Judgment, **ECF No. 17**, is  
13 **STRICKEN AS MOOT.**

14 4. An application for attorney fees and costs may be filed by separate  
15 motion.

16 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
17 Order, forward copies to counsel, and **CLOSE THE FILE.**

18 DATED January 14, 2022.



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A handwritten signature in blue ink, reading "James A. Goeke", is written over a horizontal line.

JAMES A. GOEKE  
UNITED STATES MAGISTRATE JUDGE